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· APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 10/687,020 10/17/2003 Leao Wang GP29-U 9123 **EXAMINER** 7590 06/28/2005 TROXELL LAW OFFICE PLLC DONNELLY, JEROME W **5205 LEESBURG PIKE** ART UNIT PAPER NUMBER **SUITE 1404** FALLS CHURCH, VA 22041 3764

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.    10/687,020			<i>(</i> )
Examiner  Jerome W. Donnelly  The MAILING DATE of this communication appears on the cover sheet with the correspondence address of Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a raply be timely filled after 50 (b) MONTH'S from the mailing date of this communication.  It NO period for reply is specified above, the maximum statutory pendid uplay have due uple (s) (b) MONTH'S from the mailing date of this communication.  Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office late than three members after the mailing date of this communication, even if timely filled, may reduce any search patent term adjustment. See 37 CFR 1.794(b).  Status  1) Responsive to communication(s) filled on 3		Application No.	Applicant(s)
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE MONTH(S) FROM THE MAILING DATE of THIS COMMUNICATION.  Extensions of time the provisions of JTCRT 1.136(a). In no event, however, may a reply be timely filled the provisions of JTCRT 1.136(b). In no event, however, may a reply be timely filled if the period for reply is specified above, the maximum statutory period vill apply and vail expire SIX (g) MONTHS from the mailing date of this communication for reply whill he set or extended period for reply with the statutory period vill apply and vail expire SIX (g) MONTHS from the mailing date of this communication for reply within the statutory period vill apply and vail expire SIX (g) MONTHS from the mailing date of this communication for reply villn be set and RANDONDED (3x, S, 133). Any reply received by the Office later than there mosalits after the mailing date of this communication, even if timely filled, may reduce any earned patent ferm adjustment. See 37 CFR 1.79(b):  Status  1)	Office Action Commence	10/687,020	WANG ET AL.
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be limely filled after Stk (0) MCNTHS from the mailing date of this communication.  If NO period for reply is specified above, the maximum statutory period viril apply and vall expire Stk (6) MCNTHS from the mailing date of this communication.  Failure to reply within the set or extended period for reply villib, statute, exuse the application to become ABMONDED (30.5, 51.33). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filled, may reduce any earned patent term adjustment. See 37 CFR 1.794(b).  Status  1)	Office Action Summary	Examiner	Art Unit
Period for Reply  A SHORTENED SATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed subtre St (6) MONTH'S from the mailing date of this communication.  If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  If NO period for reply specified above, the maximum statutory period will apply and will expire St (6) MONTH'S from the mailing date of this communication or poly within the source stated period for reply within the statutory minimum of thirty (30) days will be considered timely.  If NO period for reply specified above, the maximum statutory period will apply and will expire St (6) MONTH'S from the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  Status  1) Responsive to communication(s) filed on 3 /			
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  If the period for reply septicial above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  If NO period for reply is apecified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication, replaced by the Ordina barbon the mailing date of this communication, replaced by the Ordina later than the mailing date of this communication, even if timely filed, may reduce any same patent term adjustment. See 37 CFR 1.704(b).  Status  1) Responsive to communication(s) filed on Application is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the metolosed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) Is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) Is/are allowed.  6) Claim(s) Is/are allowed.  6) Claim(s) Is/are allowed.  6) Claim(s) Is/are allowed.  6) Claim(s) Is/are allowed.  7) Claim(s) Is/are subjected to a control of the drawing of the provided to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on Is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR	od for Reply	-	·
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<ul> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Star application from the International Bureau (PCT Rule 17.2(a)).</li> </ul>	ity under 35 U.S.C. § 119		
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JEROME W. DONNIELL	4	X VIII &	JEROME W. DONNELLY
	Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Paper No(s 5) Notice of In	PRIMARY EXAMINER ummary (PTO-413) )/Mail Date

Application/Control Number: 10/687,020

Art Unit: 3764

In response to the applicants arguments dated 3-17-05, the examiner draws the applicants attention to application 10/315257 in the summary of the invention, starting on line 6, that the position speed and travel path of the boxing gloves is disclosed as a feature of this device. The application also discloses that the automatic driving unit will keep the punched body away from the approaching boxing gloves. On page 3 in the first paragraph, the applicant discloses a main body containing longitudinal slide rails (12) and later slide rails (14) and a punch body (16) and a plurality of signal receivers (32) provided at upper and lower part of the main body. So as to receive signals sent by the signal transmitters 42 on the boxing gloves (40) and the commands the driving unit 20 to move the punch body away from said glove. The application 10/315257 discloses that each said glove has a transmitter (42) and that the technology belongs to the prior art.

As to the use of French as a secondary reference, the examiner is only using French as a teaching that show means are known to interact with electronics in the art of contact sport and that in view of this, that boxing/kickboxing where the feet are used in a similar fashion as the hands, that it would have been obvious to one of ordinary skill in the art to equip the feet of a user with similar transmitter as the gloves discloses by applicant, for the purpose of monitoring the progress of the total workout of the user. The examiner also not that receiver means are needed to monitor the foot progress of the user.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11

DIEROME W. DONNELLY PRIMARY EXAMINER Application/Control Number: 10/687,020

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F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Omum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim1 of copending Application No. 10/315257 in view of French 4824107. Claim 1 is rejected for the same reasons as set forth the office action of 12/17/04. See above remark.

This is a <u>provisional</u> obviousness-type double patenting rejection.

Any inquiry concerning this communication should be directed to Jerome W. Donnelly at telephone number 571-272-4975.